

KENNETH J. TROIANO  
ATTORNEY AT LAW  
State Bar Number 134786  
P.O. Box 33536  
San Diego, California 92163-3536  
(858) 268-8600

Attorney for Defendant  
JOSE ANTONIO GARCIA-GRACIAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HON. IRMA E. GONZALEZ)

UNITED STATES OF AMERICA,	)	Criminal Case #: <b>08CR1185-IEG</b>
	)	
Plaintiff,	)	Date: <b>June 2, 2008</b>
	)	Time: <b>2:00 p.m.</b>
v.	)	
	)	<b>NOTICE OF MOTIONS AND</b>
JOSE ANTONIO GARCIA-GRACIA,	)	<b>MOTIONS TO/FOR:</b>
	)	
Defendant.	)	<b>1) COMPEL DISCOVERY</b>
	)	<b>2) LEAVE TO FILE FURTHER</b>
	)	<b>MOTIONS</b>
	)	<b>3) RESERVE RIGHT TO HEARING</b>
	)	
	)	

PLEASE TAKE NOTICE that on Monday June 2, 2008, at 2:00 p.m., the defendant, JOSE ANTONIO GARCIA-GRACIA, by and through his counsel, KENNETH J. TROIANO, will bring the below listed motions.

**MOTIONS**

The defendant, Jose Garcia, hereby moves the Court pursuant to the Federal Rules of Criminal Procedure, the United States Constitution, and all other statutes and related case law, to/for:

- 1 1) Compel the government to provide discovery of any and all evidence that is
- 2 discoverable under Rule 16(a)(1)(A)-(E), Brady v. Maryland, and Giglio v.
- 3 United States; and
- 4
- 5 2) For leave to file further motions; and
- 6
- 7 3) Reserve his right to a hearing regarding post-arrest statements.
- 8

Respectfully submitted,

9 Dated: May 19, 2008

S/Kenneth J. Troiano  
Kenneth J. Troiano  
Attorney for Defendant  
Jose Antonio Garcia-Gracia

### **Proof of Service**

I, Kenneth J. Troiano, declare as follows:

That I am a citizen of the United States and resident of the County of San Diego, State of California.

That I am over the age of 18 years and not a party to the within action.

That my business mailing address is: P.O. Box 33536, San Diego, California 92163, telephone number: (858) 268-8600.

That on May 19, 2008, I caused to be filed in the United States District Court for the Southern District of California the Defendant's Notice of Motions and Motions to Compel Discovery, Leave to File Further Motions, Reserve Right to a Hearing, and Memorandum of Points and Authorities in *United States v Jose Antonio Garcia-Gracian*, 08C11885-IEG, as follows<sup>1</sup>:

- 1) U.S. District Court (E-File)
- 2) AUSA Caroline Pineda Han – [Caroline.Han@usdoj.gov](mailto:Caroline.Han@usdoj.gov), [efile.dkt.gc1@usdoj.gov](mailto:efile.dkt.gc1@usdoj.gov), [pauline.fejeran@usdoj.gov](mailto:pauline.fejeran@usdoj.gov) .

I certify under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2008 at San Diego, California.

s/Kenneth J. Troiano  
Kenneth J. Troiano  
Declarant

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<sup>1</sup> E-filing names and addresses conform to CM/ECF Mailing Information available on day of filing